

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

| | |
|------------------------|--------------------|
| Application Number | 09/933,438 |
| Filing Date | August 20, 2001 |
| First Named Inventor | Yoshiharu MATAHIRA |
| Art Unit | 1616 |
| Examiner Name | Gollamudi |
| Attorney Docket Number | 01503/HG |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on October 1, 2002
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☒ Other: SUPPLEMENTAL RESPONSE UNDER 37 CFR 1.116, filed October 3, 2002, including DECLARATION UNDER 37 CFR 1.132 of Yoshiharu MATAHIRA dated Sept. 30, 2002
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other PETITION FOR EXTENSION

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 06-1378

- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____

b. ☒ Check in the amount of \$ 740.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

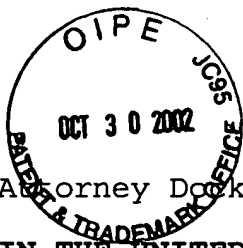
| | | | |
|-------------------|-------------------------|-----------------------------------|------------------|
| Name (Print/Type) | Richard S. Barth | Registration No. (Attorney/Agent) | 28,180 |
| Signature | <i>Richard S. Barth</i> | Date | October 30, 2002 |

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Date of Deposit: October 30, 2002

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Dorothy DeFrancesco
Dorothy DeFrancesco



Attorney Docket No.: 01503/HG

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicants : Yoshiharu MATAHIRA et al.
Serial No. : 09/933,438
Filed : August 20, 2001
For : ANTIFATIGUE COMPOSITION
Art Unit : 1616
Examiner : GOLLAMUDI

AMENDMENT FILED CONCOMITANT WITH RCE

Commissioner for Patents
Washington, D.C. 20231

S I R :

✓
Please amend the above-identified application as follows:

IN THE CLAIMS:

D²
1. (Four Times Amended) A muscular fatigue-controlling composition which comprises a muscular fatigue-controlling effective amount of (a) an imidazole compound which is anserine or a salt thereof and (b) D-ribose, as active ingredients, in combination with an excipient.

D²
7. (Four Times Amended) A method for providing a muscular fatigue-controlling effect comprising orally administering to a person in need thereof a muscular fatigue-controlling effective amount of a muscular fatigue-controlling composition which comprises (a) an imidazole compound which is anserine or a salt thereof and (b) D-ribose, as active ingredients.

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Dorothy DeFrancesco
Dorothy DeFrancesco

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.